

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-22519-CV-WILLIAMS

TYRONE GREEN,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.

ORDER

THIS MATTER is before the Court on Magistrate Judge Jonathan Goodman's Report and Recommendation (DE 25) ("**Report**") on Defendant Carnival Corporation's ("**Defendant**") Motion to Dismiss (DE 16) ("**Motion**"). In the Report, Judge Goodman recommends that the Court grant in part and deny in part Defendant's Motion. (DE 25 at 3.) Specifically, Judge Goodman finds that "Plaintiff has alleged plausible facts that Carnival had constructive notice of the dangerous condition" but failed to properly plead Carnival's duty. (*Id.* at 16–17.) No objections were filed to the Report and the time to object has now passed.

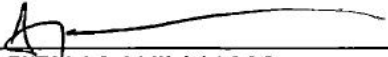
Having carefully reviewed the Report, record, and applicable law, the Court agrees with Judge Goodman's well-reasoned analysis and conclusion that Defendant's Motion be granted in part and denied in part. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report (DE 25) is **AFFIRMED AND ADOPTED**.

2. Defendant's Motion to Dismiss (DE 16) is **GRANTED IN PART AND DENIED IN PART**.

3. Plaintiff shall file a second amended complaint **within seven days** from the date of this Order to cure all deficiencies.

DONE AND ORDERED in Chambers in Miami, Florida, this 3rd day of December, 2024.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE